

HOUSE No. 3730

The Commonwealth of Massachusetts

PRESENTED BY:

Carole A. Fiola and Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the appointment of retired police officers as special police officers in the town of Freetown.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/22/2023</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>2/22/2023</i>

HOUSE No. 3730

By Representative Fiola of Fall River and Senator Rodrigues, a joint petition (accompanied by bill, House, No. 3730) of Carole A. Fiola and Michael J. Rodrigues (by vote of the town) relative to the appointment of retired police officers as special police officers in the town of Freetown. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the appointment of retired police officers as special police officers in the town of Freetown.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The board of selectmen in the town of Freetown may appoint, as the chief
2 of police considers necessary, retired police officers of the town of Freetown as special police
3 officers for the purpose of performing police details and any police duties arising therefrom or
4 during the course of police detail work, whether or not related to the detail work, The retired
5 police officers shall have previously served as regular full-time police officers for the town of
6 Freetown and voluntarily retired based upon superannuation in accordance with chapter 32 of the
7 General Laws. The special police officers shall not be subject to the maximum age restrictions
8 applied to regular police officers under chapter 32 of the General Laws but shall not be eligible
9 to serve as special police officers if they have reached the age of 70. A special police officer
10 shall pass a medical examination by a physician or other certified professional chosen by the
11 town to determine that the officer is capable of performing the essential duties of a special police

12 officer pursuant to this act, the cost of which shall be borne by the special police officer, prior to
13 performing police details. The officer shall provide certification to the town that the officer is
14 covered by personal health insurance.

15 SECTION 2. Special police officers appointed pursuant to this act shall not be subject to
16 chapter 31 of the General Laws, sections 85H and 85H½ of chapter 32 of the General Laws,
17 sections 99A, 100 or 111F of chapter 41 of the General Laws or chapter 150E of the General
18 Laws. Special police officers appointed pursuant to this act shall be subject to chapter 151A of
19 the General Laws.

20 SECTION 3. Special police officers appointed pursuant to this act shall, when performing
21 the duties set forth in section 1, have the same power to make arrests and to perform other police
22 functions as do regular police officers of the town of Freetown.

23 SECTION 4. Special police officers appointed under this act shall be appointed for a term
24 of 1 year subject to renewal at the board of selectmen's sole discretion. During the term of
25 appointment, the officer shall serve at the board of selectmen's pleasure, subject to removal by
26 the board at any time with or without cause. Any such removal shall be preceded by a 14-day
27 written notice unless considerations of public safety and welfare, as determined in the board of
28 selectmen's sole discretion, require immediate removal.

29 Special police officers appointed pursuant to this act shall be subject to the rules and
30 regulations, policies and procedures and requirements of the police department and the chief of
31 police of the town of Freetown, including but not limited to, restrictions on the type of detail
32 assignments, requirements regarding medical examinations to determine continuing capability to
33 perform the duties of a special police officer, requirements for training, requirements for firearms

34 licensing and qualifications, requirements for maintaining a medical or liability policy and
35 requirements regarding uniforms and equipment. Compliance with all requirements shall be at no
36 cost to the town of Freetown. A special police officer appointed under this act shall be subject to
37 certification standards pursuant to section 4 of chapter 6E of the General Laws.

38 SECTION 6. Special police officers appointed pursuant to this act shall be sworn before
39 the town clerk of the town of Freetown, who shall keep a record of all such appointments.

40 SECTION 7. Appointment as a special police officer pursuant to this act shall not entitle
41 any officer to assignment to any specific detail or type of detail. All assignments shall be made in
42 the sole discretion of the chief of police. Special police officers appointed pursuant to this act
43 shall be paid the hourly detail rate applicable to regular full-time officers, including any changes
44 to such rate, but shall not be entitled to any other town benefits.

45 SECTION 8. Special police officers appointed under this act shall be subject to the
46 limitations on hours worked and on earnings by retired municipal employees described in
47 paragraph (b) of section 91 of chapter 32 of the General Laws.

48 SECTION 9. This act shall take effect upon its passage.